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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,387	02/28/2006	George Alexander Burnett	SC 044 US/PCT	4885

7590 12/22/2008  
Guy McClung  
# 114  
5315B F.M. 1960 Rd. West  
Houston, TX 77069-4410

EXAMINER
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HAGEMAN, MARK

ART UNIT	PAPER NUMBER
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3653

MAIL DATE	DELIVERY MODE
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12/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,387	<b>Applicant(s)</b> BURNETT ET AL.	
	<b>Examiner</b> Mark Hageman	<b>Art Unit</b> 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 58-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 59 is objected to because of the following informalities: the word said is repeated one instance should be removed. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 58, 59, 61-67 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,615,776 to Bjorklund. Bjorklund discloses a panel (19), the panel having a first side spaced apart from a second side (figure 3), the panel having an area provided with a multiplicity of apertures and at least one layer of screening material arranged over the multiplicity of apertures (figure 3 and 21), the panel having at least one support rib for supporting the panel (22), a support structure (figure 5, 27, 28, 30 etc.), the support structure having a support body (27) and at least one projection (26) projecting upwardly from the support body, the panel selectively positionable above said support structure, and said panel located above said support structure, said panel in contact with said at least one projection so that said panel is deflectable with respect to said at least one projection such that at least two spans (figure 5) are defined by said panel

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with each of the first side of the panel and the second side of the panel deflected downwardly with respect to the at least one projection (figure 5 and c4 lines 38+).

Re claim 59 at least one panel support positioned above and aligned with the at least one projection for engaging the at least one projection during deflection of the panel (figures 4-6, 26, 29).

Re claim 61 at least one projection comprises a bar or tube extending across a substantial portion of said structural support (26).

Re claim 62 said support structure comprises portions having openings therein (26, 27).

Re claim 63 said support structure comprises an outer frame and cross members (28).

Re claim 64 the at least one projection is two spaced-apart projections including a first projection and a second projection, and the panel is deflectable so that part of the first side is deflectable with respect to the first projection and part of the second side is deflectable with respect to the second projection (26 figure 5).

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Re claim 65 said panel has two parallel supports including a first panel support and a second panel support, the first panel support above and aligned with the first projection, and the second panel support above and aligned with the second projection (29 figure 5 and 6).

Re claim 66 deflection apparatus (30, 31) for deflecting the first side and second side of the panel with respect to the at least one projection.

Re claim 67 the at least one projection (26) is a curved integral part of the support structure.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorklund in view of US 5,248,043 to Dorn. Bjorklund discloses all the limitations of the claim except one of said at least one projection and said panel support member has a convex rounded profile and the other has a corresponding concave rounded profile. Dorn discloses (as is well known in the art) providing rounded resilient tops (26) for the

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interface between crowned decks and screens in order to secure the screen and to prevent unnecessary wear or damage (c4 lines 5+).

It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to have modified Bjorklund to include rounded profiles to the interfaces, as taught by Dorn, screens in order to secure the screen and to prevent unnecessary wear or damage.

5. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorklund in view of what is well known in the art as evidenced by US 5,944,993 and US 6,019,228. Bjorklund discloses all the limitations of the claim except the at least one projection is a tubular member. It is well known in art to use tubular member in screen frames and screen supporting structure to replace solid beams (US 5,944,993 at C5 lines 25+ and US 6,019,228 at C12 lines 50+) for the predictable result of providing a supporting framework.

It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to have substituted a tubular member, as well known in the art and discussed above, for the angled pieces (26) in Bjorklund for the predictable result of providing a supporting framework. Substitution of one element for another known element to achieve the predictable result of supporting the screen would have been obvious to one ordinary skill in the art.

***Response to Arguments***

6. Applicant's arguments with respect to claim 58-68 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
Unit 3653

MCH